

SENATE CHAMBER,
AUSTIN, TEXAS, Monday, May 1, 1871. }

Senate met pursuant to adjournment; President Campbell presiding.

Roll called; quorum present.

Absent—excused—Senators Evans and Flanagan.

Prayer by the Chaplain.

On motion of Senator Fountain the reading of the journal of Saturday was dispensed with.

Message from the Governor by his private secretary:

EXECUTIVE DEPARTMENT,

AUSTIN, April 29, 1871.

To the Honorable Senate of the State of Texas:

GENTLEMEN: I respectfully ask your advice and consent to the following appointment, to-wit: Jacob C. DeGress, for Superintendent of Education.

Respectfully,

EDMUND J. DAVIS,
Governor.

Read and referred to Committee on Nominations.

On motion of Senator Dohoney, Senator Douglass was excused on account of sickness.

REPORTS OF STANDING COMMITTEES.

Reports of Committee on Judiciary:

COMMITTEE ROOM,
AUSTIN, April 29, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 349, entitled "An act defining the powers and jurisdiction of the Criminal District Court of Galveston and Harris counties," after careful consideration, instruct me to report the same back, and recommend its passage.

Respectfully,

A. J. FOUNTAIN,
Chairman

COMMITTEE ROOM,
AUSTIN, April 29, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 405, entitled "An act to amend an act prescribing the times of holding the district courts in the several judicial districts in the State," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

A. J. FOUNTAIN,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 29, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 534, entitled "An act to repeal the thirtieth and thirty-first sections of 'an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties,' approved August 13, 1870," after careful consideration, instruct me to report the same back and recommend that it do not pass.

Respectfully,

A. J. FOUNTAIN,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 29, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 537 entitled, "An act supplementary to 'an act to provide the mode of trying titles to land,' approved February 5, 1840," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

A. J. FOUNTAIN,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 29, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred House

bill No. 297 entitled, "An act to enable the settler to hold a homestead in different tracts," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

A. J. FOUNTAIN,
Chairman,

COMMITTEE ROOM,
AUSTIN, April 29, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 265, entitled "An act to amend 'an act defining lawful enclosures and for other purposes,' passed February 5, 1840," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

A. J. FOUNTAIN,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 29, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 238, entitled "An act to amend 'an act to establish a Code of Criminal Procedure for the State of Texas,' approved August 26, 1856," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

A. J. FOUNTAIN,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 29, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred House joint resolution No. 13, "Authorizing the appointment of a commission to digest the laws of Texas, and to superintend the publishing of the same," after careful consideration, instruct me to report the same back and recommend that it do not pass.

Respectfully,

A. J. FOUNTAIN,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 29, 1871.

Hon. DON CAMPBELL.

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 351, entitled "An act to amend article 518 of an act entitled 'an act to adopt and establish a code of criminal procedure,' approved August 26, A. D. 1856," after careful consideration, instruct me to report the same back and recommend that it be laid upon the table.

Respectfully,

A. J. FOUNTAIN,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 29, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 324, entitled "An act to regulate the sale of spirituous or intoxicating liquors and the issuance of license therefor," after careful consideration, instruct me to report the same back and recommend that it do not pass.

Respectfully,

A. J. FOUNTAIN,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 29, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 317, entitled "An act to provide for the reimbursement of seventy-five thousand dollars to the public school fund from the State treasury," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

A. J. FOUNTAIN,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 29, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred Senate

bill No. 315, entitled "An act to repeal sections thirty-seven, thirty-eight and thirty-nine of an act of the Twelfth Legislature, entitled 'an act to organize the courts of justices of the peace, and to define their jurisdiction and duties,' and to provide for the election of county attorneys and to define their duties and powers," after careful consideration, instruct me to report the same back, and recommend that it do not pass, for the reason that the committee have already reported favorably on a bill to abolish the office of county attorney.

Respectfully,

A. J. FOUNTAIN,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 29, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 306, entitled "An act to amend sections two and three of an act approved January 6, 1841, in reference to divorce and alimony," after careful consideration, instruct me to report the same back, and recommend that it do not pass.

Respectfully,

A. J. FOUNTAIN,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 29, 1871.

Hon. DON CAMPBELL.

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 298, entitled "An act to provide for the appointment of a phonographic reporter to the Supreme Court of the State of Texas, and for other purposes," after careful consideration, instruct me to report the same back and recommend that it do not pass.

Respectfully,

A. J. FOUNTAIN,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 29, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred

Senate bill No. 291, entitled "An act to authorize a change of venue in causes pending in the district court pertaining to estates of deceased persons and guardianship," after careful consideration, instruct me to report the same back and recommend its passage,

Respectfully,

A. J. FOUNTAIN,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 29, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Judiciary, to whom was referred Senate bill No. 207, entitled "An act concerning proceedings in the district court in certain cases," after careful consideration, instruct me to report the same back and recommend that it do not pass.

Respectfully,

A. J. FOUNTAIN,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 29, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Judiciary, to whom was referred Senate bill No. 188, entitled "An act to provide for the digesting and codification of the statutes of the State, civil and criminal," after careful consideration, instruct me to report the same back and recommend that it do not pass.

A. J. FOUNTAIN,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 29, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Judiciary, to whom was referred Senate bill No. 179, entitled "An act to amend the second section of an act supplementary to an act supplementary and amendatory of 'an act to regulate railroad companies,' approved February 7, 1853, approved December 19, 1857, approved February 8, 1860," after careful consideration, instruct me to report the same back and recommend its passage.

A. J. FOUNTAIN,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 29, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: A majority of your Committee on Judiciary, to whom was referred Senate joint resolution No. 22, to amend article one of section twenty of the State Constitution, after careful consideration, instruct me to report the same back and recommend that it be laid upon the table.

Respectfully,

A. J. FOUNTAIN,
Chairman.

Reports read and laid over under the rules.

Senator Bowers presented the following minority report of Judiciary Committee on Senate joint resolution No. 22 :

COMMITTEE ROOM,
AUSTIN, May 1, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: We, the undersigned, not being able to concur in opinion with the majority of the Judiciary Committee in their report upon a joint resolution providing for an amendment to the twentieth section of the first article (bill of rights) of the State Constitution, beg leave to present the following minority report :

The section proposed to be amended reads as follows : "No power of suspending laws in the State shall be exercised, except by the Legislature or its authority."

Notwithstanding our own Constitution provides that the military shall at all times be subordinate to the civil authority, and that the people shall be secure in their persons and houses from all unreasonable searches and seizures ; though it expressly provides that the privilege of the writ of *habeas corpus* shall not be suspended except in great public emergencies, and under certain extraordinary and unusual circumstances, and declares that all courts shall be open, and for every injury done to any person in his lands, goods or person, a remedy shall be had by due course of law, and that the right of trial by jury shall remain inviolate. And notwithstanding the Constitution of the United States, the supreme law of the land, has prohibited the suspension of the writ of *habeas corpus*, except in times of the most imminent peril to the Republic, and declares that no soldier shall, in times of peace, be quartered in any house; and solemnly guarantees to every man accused of any criminal offense whatever, the right of a speedy and public trial by an impartial

jury in the vicinage where the offense is charged to have been committed (and that only after indictment by a grand jury); though it expressly forbids any State to keep troops in time of peace, and prohibits any State from making or enforcing any law that shall deprive any person of life, liberty or property without due process of law; yet, notwithstanding the existence of all these constitutional provisions, they have been disregarded and made subservient to the twentieth section, above quoted. Under laws passed by virtue of the supposed grant of power to the Legislature to suspend the laws, we have seen the courts closed, the privileges of the writ of *habeas corpus* suspended, the whole body of our civil laws suspended, and instead of being superior, made subordinate to the military, and, in fact, displaced by them. We have seen, and daily see troops kept by the State, fines and taxes levied upon private citizens, and private property taken for its uses without due process of law. The venerable institution of jury trial, the most precious gem that sparkles upon the brow of constitutional liberty summarily displaced, and military commission used in its place, thus substituting for that mode of trial which has by the wisest men been ever deemed the fairest, and which is the greatest favorite with the Anglo-Saxon race; that which they as universally detest, and to defeat and destroy which thousands of precious lives were offered up. The most crimson pages of history are those where are detailed the struggles of our noble ancestors, to preserve the right of a fair trial by a jury. They constitute also the proudest pages in history.

We having thus before us a practical illustration of the enormous abuse to which this supposed grant of power is liable, felt, and still feel, that it is dangerous to the liberty of the people, to allow this clause to remain without amendment, while it is interpreted in such a manner as to produce the results that have just been enumerated. We therefore believe the amendment contemplated by the joint resolution before us is a wise and necessary one. It expressly prohibits martial law, and the suspension of all the great constitutional guarantees, under pretence of an authority supposed to exist in this section.

We believe the amendment reflects the sense of the people, and that they desire it. They are opposed to the suspension of the writ of *habeas corpus*, and the abrogation of the right of trial by jury. They desire the constitution to speak so explicitly on the subject, that martial law can never under any pretext be again declared in this State in times of peace.

We, therefore, most respectfully recommend the passage of the

accompanying joint resolution, believing, as we do, that its provisions should be engrafted permanently on our organic law.

M. H. BOWERS,
E. B. PICKETT,
E. L. DOHONEY.

Report read and laid over under the rules.

Report of Committee on Engrossed Bills :

COMMITTEE ROOM,
AUSTIN, May 1, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills, having examined and compared Senate bills No. 153 "An act to incorporate the Houston Cooperage and Manufacturing Company," and No. 354, "An act to legalize certain acts of the county court of Brazos county," find the same to be correctly engrossed.

G. T. RUBY,
P. W. HALL,
E. L. DOHONEY.

Report read and received.

Report of Committee on State Affairs :

COMMITTEE ROOM,
AUSTIN, May 1, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 309, "An act concerning quarantine regulations by counties and other corporations," have carefully considered the same, and recommend it to the consideration of the Senate with the following amendments, to-wit: Amend section two, line two, insert after the word "employés" the following words, "sufficient to manage said train;" insert at the end of line two the following words, "said construction train may draw a baggage car for the purpose of transporting the;" line three strike out the word "trains" and insert the following words, "and said train;" line eight strike out the word "trains" and insert the word "train."

S. W. FORD.
Chairman.

Report read and laid over under the rules.

On motion of Senator Parsons, the rules were suspended to consider the report and bill. Bill read second time.

Senator Mills moved to lay House bill No. 309 on the table.

Yeas and nays called for and motion to lay on the table lost by the following vote:

Yeas—Mills, Pickett—2.

Nays—Mr. President, Baker, Bell, Bowers, Broughton, Cole, Do-honey, Ford, Fountain, Gaines, Hall, Hillebrand, Latimer, Parsons, Pettit, Pridgen, Ruby, Saylor, Shannon, Tendick—20.

Senator Gaines moved that the consideration of House bill No. 309 be postponed and the bill made the special order for Thursday next at 11 A. M. Carried.

Report of Committee on Finance:

COMMITTEE ROOM,
AUSTIN, April 29, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Finance, to whom was referred House bill No. 583, have had the same under consideration, and I am instructed to report it back and recommend that it do pass.

W. A. SAYLOR,
Chairman.

Report read.

On motion of Senator Saylor, the rules were suspended to consider the report and bill. Bill read second time and passed to a third reading.

On motion of Senator Saylor, the rules were further suspended and House bill No. 583, "An act supplementary to an act providing for the issuance and sale of the bonds of the State for the purpose of meeting the appropriations made for maintaining ranging companies on the frontier, approved August 5, 1870," read third time and passed.

Report of Select Committee on Senate joint resolution No. 25:

COMMITTEE ROOM,
AUSTIN, May 1, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: A majority of your Select Committee, to whom was referred Senate joint resolution No. 35, authorizing and requiring the Governor to invest the proceeds of the sale of certain United States land warrants in United States bonds or interest bearing bonds of this State," having carefully considered the same, beg leave to report it back and recommend its passage.

Respectfully,

A. J. FOUNTAIN,
W. A. SAYLOR,
Majority of Committee.

Read and laid over under the rules.

Under direction of the President, the Secretary carried to the House the following House bills with the action of the Senate thereon :

House bill No. 88, "An act to provide for the completion and control of the Supreme Court building, library, etc., with amendment," passed April 28.

House bill No. 248, "An act for the relief of Richard O'Hanlon," passed April 28.

House bill No. 348, "An act to incorporate the Hope Independent Fire Company No. 4, of Galveston, Texas," passed April 28.

House bill No. 357, "An act making appropriations for the support of the State government for deficiencies for the fiscal year ending August 31, 1871, and for the fiscal year beginning September 1, 1871, and ending August 31, 1872," with amendments, passed April 28.

House bill No. 145, "An act to prohibit the sale or otherwise disposing of spirituous or vinous liquors within three miles of Baylor University, in Washington county," with amendments, passed April 28.

House bill No. 353, "An act to authorize the board of aldermen of the city of Waco to lease a part of the ground on the public square of said city for certain purposes," passed April 28.

House bill No. 412, "An act to incorporate Cedar Male and Female Institute," passed April 28.

House bill No. 466, "An act to incorporate the Blufton Male and Female Academy," passed April 28.

House bill No. 500, "An act to authorize the fire engine, the hook and ladder and the hose companies of the city of Galveston to increase the number of the men in each company," passed April 28.

House bill No. 618, "An act to incorporate the Seguin Manufacturing Company," passed April 28.

House bill No. 501, "An act to incorporate the Germania Club of the city of Galveston," passed April 29.

Also, for concurrence, the following Senate bills :

No. 149, "An act to incorporate the Sabine and Neches Bridge Company."

No. 205, "An act to incorporate the Paris Gas Company."

No. 238, "An act to amend an act entitled 'an act fixing the terms of the Supreme Court of the State of Texas, and authorizing and requiring the court to establish rules.'"

No. 337, "An act to incorporate the Hearne and Little Brazos Bridge Company."

No. 357, "An act to incorporate the Austin Social Club."

No. 370, "An act to amend an act to incorporate the Western Narrow Gauge Railway Company," passed August 4, 1870."

No. 383, "An act authorizing the Commissioner of the General Land Office to employ additional assistant draftsmen, and providing for the payment thereof."

No. 384, "An act authorizing the Commissioner of the General Land Office to appoint three additional draftsmen for his department, and fixing the salaries, and making an appropriation therefor;" and

No. 390, "An act to exempt from taxation certain property therein specified."

Also, informing the House that the Senate adhered to its refusal to concur in House amendments to Senate bill No. 29, "An act to incorporate the Texas Cotton Spinning and Manufacturing Company."

Also, returning to the House the following enrolled House bills signed by the President:

No. 208, "An act to incorporate the Little Brazos River Bridge Company."

No. 260, "An act amendatory of section thirty-one of an act entitled 'an act prescribing the times of holding the district courts in the several judicial districts in the State,' approved August 10, 1870."

No. 216, "An act to incorporate the town of Mount Pleasant, in Titus county."

No. 269, "An act for the protection of poor persons in cases of appeal in civil suits."

No. 60, "An act to incorporate the town of Cleburne, in Johnson county."

MESSAGES.

Message from the House by the Chief Clerk, Mr. Ketchum, transmitting for concurrence the following House bills:

House bill No. 235, "An act to prohibit the sale of intoxicating liquors within certain limits of Tennessee Colony High School," in the town of Tennessee Colony, in Anderson county."

House bill No. 370, "An act to incorporate the Jefferson and Marshall Railroad Company."

House bill No. 404, "An act to authorize W. H. McVey to erect a toll bridge across Waxahatchie creek, and also to erect a toll bridge across Chambers's creek, in the county of Navarro."

House bill No. 474, "An act supplemental and amendatory of an act entitled, 'an act to incorporate the Houston and Great Northern railroad Company,' passed October 27, 1866."

House bill No. 484, "An act to authorize S. J. Slocumb to erect a toll bridge over Brushy creek, in Milam county."

House bill No. 486, "An act to establish a ferry across the Brazos river, at a convenient point three miles below the falls of the Brazos, on the new road leading from Power's school house to Bremond, in Falls county."

House bill No. 487, "An act to establish a ferry across the Colorado river, at the foot of Pine street, of the town of Bastrop, county of Bastrop."

House bill No. 499, "An act to incorporate the Galveston Hotel Company."

House bill No. 571, "An act to incorporate the Little Brazos and Robertson County Bridge Company."

House bill No. 586, "An act to incorporate the San Antonio and Victoria, Indianola and New Orleans Express and Transportation Company."

House bill No. 587, "An act to incorporate the San Antonio City Street Railroad Company."

House bill No. 594, "An act to incorporate the Buffalo Bayou and Trinity Railway Company."

House bill No. 627, "An act to amend section one of an act approved October 10, 1866, and entitled 'an act to incorporate the town of Lampasas, in Lampasas county.'"

House bill No. 605, "An act to incorporate the town of Yorktown."

Also, returning the following Senate bills, informing the Senate that the House had passed the same without amendments:

Senate bill No. 102, "An act to further amend the eleventh section of 'an act to provide for the registration of deeds and other instruments of writing,' approved May 12, 1846."

Senate bill No. 167, "An act to incorporate the Houston Cemetery Company."

Senate bill No. 190, "An act to incorporate the town of Longview, in Upshur county, Texas."

Senate bill No. 197, "An act to require the clerk of the district court of Lamar county to index records of his office and providing for the payment therefor."

Senate bill No. 217, "An act to incorporate the town of Ysleta in El Paso county."

Senate bill No. 239, "An act exempting telegraphic operators in this State from serving on juries and in the State militia."

Also, informing the Senate that the House had adopted the report of the Committee of Free Conference on House bill No. 14, "An act to incorporate the Casino Society of Victoria," and agreeing to the Senate amendment thereto."

Also, returning to the Senate the following Senate bills, and informing the Senate that the House had passed the same with amendments:

Senate bill No. 195, "An act to incorporate the Hempstead and West Liberty Air Line Railway Company."

House amendments to Senate bill No. 195, strike out all after the word "settled" in section five, line nine, and insert the following: "according to the general railroad laws of this State," and said company shall commence the construction of its road within three years from and after the passage of this act. Amend section one by inserting the name of "J. C. Day" as one of the incorporators.

Senate bill No. 89, "An act incorporating the West Texas Road Steamer Transportation Company."

House amendments to Senate bill No. 89: Amend section four by striking out the words "sole and exclusive," in lines two and three, and "exclusive," in line six.

Also, transmitting for signature the following enrolled House bills:

House bill No. 37. "An act to amend an act entitled 'an act to establish a State Police and provide for the regulation of the same,' approved July 1, 1870."

House bill No. 415, "An act to incorporate the city of Marshall, and to grant a new charter to said city."

House bill No. 217, "An act to incorporate the French Benevolent Mutual Assistance Society of Galveston, Texas."

House bill No. 215, "An act to provide for the payment of the public debt of the State of Texas."

House bill No. 584, "An act to amend an act entitled 'an act to incorporate the Galveston City Railroad Company.'"

House bill No. 70, "An act for the relief of Thomas N. Haynes."

House bill No. 425, "An act to authorize the Commissioner of the General Land Office to issue to B. H. Davis, assignee, an unconditional second class headright certificate for 640 acres of land upon conditional No. 90."

House bill No. 6, "An act to incorporate the town of Fairfield, in Freestone county."

House bill No. 179, "An act to authorize C. R. Goodwin to erect a toll bridge over Chambers's creek where the road leading from Waxahachie to Dresden crosses the same."

Enrolled bills signed by the President in open session.

The Secretary carried to the House for the signature of the Speaker the following enrolled Senate bills:

Senate joint resolution No. 33, "Joint resolution authorizing

and requiring the Governor to call a special election to fill certain vacancies."

Senate bill No. 33, "An act to be entitled 'an act to incorporate the Jefferson Insurance Company.'"

Senate bill No. 126, "An act to incorporate the town of Marlin, Falls county."

Senate bill No. 131, "An act to incorporate the San Antonio and Sherman Bridge Company."

Senate bill No. 137, "An act to incorporate the Sabine and Neches Mutual Insurance Company."

Senate bill No. 198, "An act to organize the county of Pecos."

Senate bill No. 211, "An act to amend the third section of an act to be entitled 'an act creating the counties of Presidio, El Paso and Worth,' approved January 3, 1850."

Senate bill 241, "An act to incorporate the Mansfield Male and Female College, in Tarrant county."

Senator Gaines offered the following resolution, which was adopted :

Resolved, That the Select Committee, to whom the question of adjournment was referred, be and are hereby instructed to report without delay to the Senate.

BILLS AND RESOLUTIONS.

By Senator Pickett : a bill (Senate bill No. 393) to be entitled "An act authorizing and requiring the county tax for the years 1870 and 1871, collected by other counties from persons and property situated in San Jacinto county, to be paid to San Jacinto county. Read first time.

On motion of Senator Pickett, the rules were suspended and bill read second time, ordered engrossed and passed to a third reading.

On motion of Senator Pickett, the rules were further suspended and Senate bill No. 393 read third time and passed.

11 o'CLOCK A. M.

The hour for consideration of special order, Senate bill No. 281, "An act to provide for the erection of two new States within the jurisdiction of the State of Texas."

On motion of Senator Dohoney, the consideration of special order was postponed and the bill made special order for Monday next, at 11 A. M.

SPECIAL ORDER,

Senate bill No. 333, "An act to incorporate the Mississippi and Rio Grande Canal Company.

Senator Ruby moved that Senate bill No. 350, "An act to amend 'an act to incorporate the Galveston and Brazos Navigation Company,' approved February 8, 1850, chapter one hundred and thirteen, and to amend 'an act to amend the first section of the said preceeding act,' approved December 2, 1850, chapter thirty-one, and to change the title of the first named act to 'an act to incorporate the Galveston, Sabine, Corpus Christi and Rio Grande Navigation Company, and to provide aid for the construction of the canal herein contemplated by the State of Texas, and by the counties, cities or towns interested therein,'" be adopted as a substitute for Senate bill No. 333.

Senate bill No. 350 read second time.

Senator Dohoney moved that the further consideration of the matter pending be postponed, and that Senate bill No. 333 and Senate bill No. 350 be made the special order for Saturday next at 11 A. M. Carried.

On motion of Senator Parsons, the Senate, at 11:50 A. M., took a recess till 12 M.

12 O'CLOCK M.

The day and hour having arrived to which the high court of impeachment adjourned, the Senate resolved itself into a high court of impeachment for the trial of William H. Russell, Judge of the Fifteenth Judicial District.

HIGH COURT OF IMPEACHMENT.

AUSTIN, TEXAS,
Monday, May 1, 1871.

THE STATE OF TEXAS vs. WILLIAM H. RUSSELL.

The court having been opened by proclamation,

Ordered, That the Secretary inform the House of Representatives that the Senate is now sitting as a high court of impeachment for the trial of William H. Russell, and that seats are provided for the accommodation of the members of the House in the Senate chamber.

The managers attended.

Minutes of Tuesday, April 18, read and approved.

The return of the Sergeant-at-Arms on the summons for witnesses was read, as follows :

SENATE CHAMBER,

AUSTIN, Texas, May 17, 1871.

Hon. DON CAMPBELL,

President of the High Court of Impeachment:

S. R: Agreeably to a resolution adopted by the honorable Senate of the State of Texas, instructing me to deputize deputy Sergeants-at-Arms to serve the subpoenas for witnesses in the case of "All the People of the State of Texas vs. William H. Russell, Judge of the District Court of the Fifteenth Judicial District of the State of Texas," who reside in the counties of Cameron, Bexar and McLennan, I would most respectfully submit that I did, on the twenty-fourth day of April, 1871, receive from the hands of the Secretary of the Senate the subpoenas for said witnesses, and I did, on the twenty-fourth day of April, duly deputize, in writing, the sheriffs, respectively, of Cameron, McLennan and Bexar counties, each as a deputy Sergeant-at-Arms, and dispatched to them, by mail, the subpoenas received by me from the Secretary of the Senate, each subpoena directed "to the deputy Sergeant-at-Arms" in the counties, respectively, where said witnesses reside. And I have received the returns from the deputies in McLennan and Bexar counties, both of which are herewith submitted.

Respectfully,

W. B. JOHNSON,

Sergeant-at-Arms, Senate of Texas.

Mr. Schutze, on behalf of the managers, made application for a further postponement of the hearing of this cause for the reasons assigned in the motion for continuance filed by the managers on April 18, to-wit: the absence of certain witnesses whose testimony is important to sustain the articles of impeachment.

The respondent, by his counsel, filed the following motion:

AUSTIN, May 1, 1871.

The State of Texas vs. W. H. Russell, Judge, etc.—Impeachment—The respondent makes motion that he be now allowed to interpose a general demurrer to the first, second and third articles of impeachment, to the end that the law of the case may be heard:

W. H. RUSSELL,

In person and by counsel.

W. M. WALTON,

DONOVAN.

Senator Bowers offered the following:

It is ordered by the high court of impeachment that the application of the managers for a further postponement of this trial be granted; and that the court do now adjourn until Tuesday the

second day of May at 12 o'clock M., at which time the court will consider any demurrer the accused may see proper to interpose.

Adopted by the following vote :

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Cole, Dohoney, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Latimer, Mills, Parsons, Pettit, Pickett, Pridgen, Pyle, Ruby, Saylor, Shannon, Tendick---24.

By direction of the President the Sergeant-at-Arms closed the court by proclamation.

IN SENATE.

Senator Fountain moved to adjourn to 4:30 o'clock P. M.

Senator Ruby moved to amend, to 10 o'clock A. M. to-morrow.

Yeas and nays called for and motion to adjourn to 10 o'clock A. M. to-morrow carried by the following vote :

Yeas—Mr. President, Baker, Bowers, Broughton, Cole, Dohoney, Ford, Gaines, Hall, Latimer, Mills, Ruby—12.

Nays—Bell, Fountain, Hertzberg, Hillebrand, Parsons, Pettit, Pickett, Pridgen, Pyle, Saylor, Shannon, Tendick—12.

So the Senate, at 12:45 P. M., adjourned to 10 A. M. to-morrow.
